

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-03-13	File(s): A43.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 3/20/2025 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow an Additional Residential Units (ARU) and existing conditions of dwelling proposing:

1. A detached Additional Residential Units (ARU) whereas By-law 0225-2007, as amended, permits a maximum of one detached Additional Residential Units (ARU) in this instance;
2. A rear yard setback (corner lot) of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, permits a maximum rear yard setback (corner lot) of 1.80m (approx. 5.91ft) in this instance;
3. A window well encroachment of ARU into the side yard of 1.24m (approx. 4.07ft) whereas By-law 0225-2007, as amended, permits a maximum window well encroachment of ARU into the side yard of 0.64m (approx. 2.10ft) in this instance;
4. A height of ridge sloped roof for the ARU of 7.14 m (approx. 23.43ft) whereas By-law 0225-2007, as amended, permits a maximum height of ridge sloped roof for the ARU of 6.80 m (approx. 22.31ft) in this instance;
5. A dwelling height of 8.64m (approx. 28.35ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 7.50m (approx. 24.61ft) in this instance;
6. A driveway width for the attached garage of 8.12m (approx. 26.64ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width for the attached garage of 6.00m (approx. 19.69ft) in this instance;
7. A lot coverage of 32.44% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
8. A walkway width attached to the driveway of 1.95m (approx. 6.40ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width attached to the driveway of 1.50m (approx. 4.92ft) in this instance;
9. A front porch encroachment for the dwelling of 4.56m (approx. 14.96ft) whereas By-law

0225-2007, as amended, permits a maximum front porch encroachment for the dwelling of 1.60m (approx. 5.25ft) in this instance;

10. An awning encroachment into the front yard of 6.72m (approx. 22.05ft) whereas By-law 0225-2007, as amended, permits a maximum awning encroachment into the front yard of 0.60m (approx. 1.97ft) in this instance; and

11. A front yard setback of 6.20m (approx. 20.34ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance.

Recommended Conditions and Terms

- Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services.

Background

Property Address: 4327 Bridelpath Tr

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Residential Low Density I

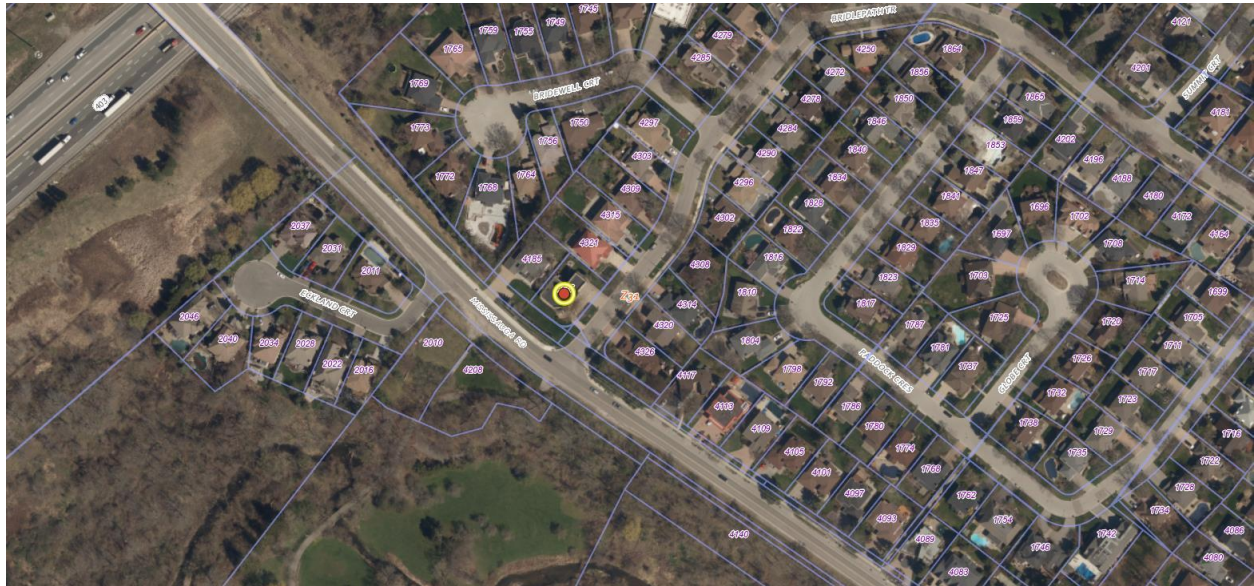
Zoning By-law 0225-2007

Zoning: R2-Residential

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, northeast of the Mississauga Road and Burnhamthorpe Road West intersection. The neighbourhood is primarily residential, consisting of two-storey detached dwellings on lots with mature vegetation in the front yards. The subject property is a corner lot, containing a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a detached additional residential unit (ARU) and to legalize the existing dwelling requiring variances for dwelling height, lot coverage, encroachments, front yard setbacks, driveway and walkway width, ARU height, setback and window well encroachment.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application are as follows:

The subject property is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached and duplex dwellings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. Bill 23, More Homes Built Faster Act, 2022, requires official plans and zoning by-laws to permit “as of right” small-scale residential uses of up to three units per lot in areas where municipal services are available.

The application seeks to legalize the existing dwelling requiring variances for dwelling setbacks, encroachments, height, coverage, driveway width and walkway attachment width. The proposal includes a detached ARU in the rear yard requiring variances for ARU height, setback and window well encroachment.

Through a review of the drawings submitted, staff note a variance for ARU area is also required. An ARU area of 116.46m² is being proposed whereas a maximum area of 100m² is permitted.

While staff have no concerns with the existing dwelling and associated variances pertaining to lot coverage, dwelling height and front yard setbacks, staff have identified concerns with the proposed ARU. The intent of the zoning by-law provisions regarding the size of the ARU is to ensure that the structure is proportional to the lot and dwelling while not presenting any massing concerns to neighbouring lots. Staff are of the opinion that the proposed ARU height exacerbates massing impacts. Staff note that due to the placement and size of the ARU on the subject property, the ARU presents massing concerns and poses impacts of long walls to the neighbouring dwelling.

Staff are of the opinion that the ARU is excessive in size and should be redesigned keeping in mind the existing dwelling along with neighbourhood impacts.

Additionally, Transportation and Works staff have raised concerns regarding the existing circular driveway and are not supportive of the driveway variances.

Lastly, the variances being sought appear to be worded inaccurately. Staff are of the opinion that the application be deferred to allow the applicant an opportunity to redesign the proposal and identify all variances accurately.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed you will find pictures of the existing driveway and area where the ARU will be located. We have consulted with our Traffic Planning Section and The City has no record of approvals for the widened curb cut on this property.

Traffic Planning does not recommend permitting a driveway access width exceeding 6.0m. They advise that through Traffic Engineering best practices, driveway widths on the municipal road network are generally minimized to optimize roadway safety and efficiency, minimize vehicular and pedestrian conflict points, ensure sufficient space is available between driveways for signage/utilities/trees/other street appurtenances, maintain on-street parking spaces and clearly identify which property each driveway serves, etc.

All costs incurred in any modifications/reinstatement required to the existing driveway would be at the cost of the owner. Should any utilities/trees need to be relocated, all costs incurred will also be at the expense of the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities. Setbacks from any trees shall be confirmed with the City's Community Services Department.

Regarding the ARU, we have no concerns provided that all required servicing to support the ARU is shared with the existing dwelling. No new servicing connections for utilities will be permitted.

Comments Prepared by: John Salvino, Development Engineering Technologist









Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Emily Majeed, Planner-in-Training

Appendix 3 – Parks, Forestry & Environment

Forestry Comments

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

An Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

Development Engineering: Brian Melnyk (brian.melnik@peelregion.ca)(905) 791-7800 x3602

Comments:

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at servicingconnections@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at servicingconnections@peelregion.ca.

Conditions:

- Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – MTO

The subject site described above appears to be located within the MTO Permit Control Area for Highway 403; as a result, the applicant should be made aware that an MTO Building & Land Use Permit(s) will be required from this office prior to the start of any onsite construction/works.

Information regarding the application process, forms and the policy can be found at the following link: <https://www.ontario.ca/page/highway-corridor-management>

Comments Prepared by: Nicole Hajjar, Corridor Management Officer